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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,021	08/02/2003	Scott David Thomas	GP-301946	5796

7590 01/13/2006

LAURA C. HARGITT  
General Motors Corporation  
Legal Staff, Mail Code 482-C23-B21  
P.O. Box 300  
Detroit, MI 48265-3000

EXAMINER

FLEMING, FAYE M

ART UNIT PAPER NUMBER

3616

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/634,021	THOMAS, SCOTT DAVID	
	<b>Examiner</b>	<b>Art Unit</b>	
	Faye M. Fleming	3616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 14-16, 23-28, 31-33, 37 and 39 is/are pending in the application.
- 4a) Of the above claim(s) 12, 13, 17-22, 29, 30, 34-36 and 38 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37 is/are allowed.
- 6) ☐ Claim(s) 1-5, 7-11, 14, 33 and 39 is/are rejected.
- 7) ☒ Claim(s) 6, 15, 16, 23-28, 31 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08/02/03</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of claims 1-11, 14-16, 23-28, 31-33, 37 and 39 in the reply filed on October 24, 2005 is acknowledged.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-5, 7-11, 14, 33 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Thomas (6,513,835).

The applied reference has a common inventor and/or assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e)

might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Thomas discloses a vehicle having an air bag system comprising a vehicle body defining a vehicle interior space therein; an occupant seat located within the interior space (col. 3, lines 8-21); the system comprising a primary gas emitting inflator 32, a fill tube 56 in fluid communication with the inflator, and an air bag cushion 12 in fluid communication with the fill tube; the air bag system further comprising at least one tether 38 operable to a restricted length and an unrestricted length and having a tether loop 78, and a dual depth mechanism 36 operable in a non-actuated state to retain the tether loop and hold the tether to the restricted length and in an actuated state to release the tether loop. The dual depth mechanism comprises a housing 30; a piston 36 disposed in the housing and translatable from a non-actuated position to an actuated position; an actuator (not shown); and a stud 80 configured for releasably retaining the tether loop, wherein the tether loop is releasable from the stud upon translation of the piston. The housing further includes a first opening in fluid communication with the fill tube 62 and a second opening in fluid communication with atmosphere 40 and the piston includes a gas escape passage extending therethrough and in alignment with the first and second housing openings when the piston is in the

non-actuated position and out of alignment when the piston is in the actuated position, see figures 2A-2B. The dual depth mechanism further includes a retention feature 114. The dual depth mechanism further includes a fastener 114 securing the piston to the housing, the piston having a slot adjacent the fastener wherein the retention feature is a piston retention wall disposed between the fastener and the piston slot such that upon actuation of the actuator, the retention wall is released as the piston translates, see figures 2A-2B. The dual depth mechanism is secured to a downstream open end of the fill tube such that the downstream end of the fill tube is in alignment with the first opening in the housing. The dual depth mechanism is secured adjacent to the fill tube intermediate the inflator and the cushion and the fill tube further includes a radial opening in alignment with the first housing opening. The piston further includes a tether loop passage through which the tether loop is routed before slipping the tether loop over the stud. A piston portion adjacent the tether loop passage operates like a scraper to release the tether loop from the stud upon actuation of the dual depth mechanism. The stud is located outside the cushion for visual inspection of the tether loop prior to assembly.

***Allowable Subject Matter***

4. Claim 37 is allowed.

5. Claims 6, 15-16, 23-28, 31 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

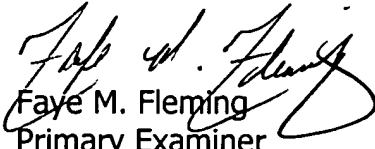
***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (571) 272-6672. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Faye M. Fleming  
Primary Examiner  
Art Unit 3616  
01/19/06